

ADRMOP,CLOSED,E-Filing,RELATE

U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:11-cv-04344-PSG

Chapel v. United States Department of Education
Assigned to: Magistrate Judge Paul Singh Grewal
Cause: 05:552 Freedom of Information Act

Date Filed: 08/31/2011
Date Terminated: 05/21/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Randy Chapel**

represented by **Randy Scott Chapel**
PO Box 1050
Boulder Creek, CA 95006
831-331-9653
Email: randychapellegal@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**United States Department of Education**

represented by **James A. Scharf**
Office of the United States Attorney
Civil Division, San Jose
150 Almaden Blvd., Suite 900
San Jose, CA 95113
(408) 535-5044
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Email: james.scharf@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/31/2011	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief (Summons Issued) against United States Department of Education (Filing fee \$ 350, receipt number 546110010292). Filed by Randy Chapel. (OVERSIZED DOCUMENT) (bw, COURT STAFF) (Filed on 8/31/2011) (Additional attachment(s) added on 9/1/2011: # <u>1</u> Exhibits A-D) (bw, COURT STAFF). (Additional attachment(s) added on 9/1/2011: # <u>2</u> Exhibit-E) (bw, COURT STAFF). (Additional attachment(s) added on 9/1/2011: # <u>3</u> Exhibis F-L) (bw, COURT STAFF). (Additional attachment(s) added on 9/1/2011: # <u>4</u> Exhibits M-Z, # <u>5</u> Exhibit-AA, # <u>6</u> Civil Cover Sheet) (bw, COURT STAFF). (Entered: 09/01/2011)
08/31/2011	<u>2</u>	Summons Issued as to United States Department of Education, U.S. Attorney and U.S. Attorney General (bw, COURT STAFF) (Filed on 8/31/2011) (bw, COURT STAFF). (Entered: 09/01/2011)
08/31/2011	<u>3</u>	ADR SCHEDULING ORDER: Case Management Statement due by 11/8/2011. Case Management Conference set for 11/15/2011 02:00 PM in Courtroom 5, 4th Floor, San Jose. (bw, COURT STAFF) (Filed on 8/31/2011) (Entered: 09/01/2011)
08/31/2011		CASE DESIGNATED for Electronic Filing. (bw, COURT STAFF) (Filed on 8/31/2011) (Entered: 09/01/2011)
09/20/2011	<u>4</u>	CERTIFICATE OF SERVICE as to defendant United States of American re <u>3</u> ADR Scheduling Order, <u>1</u> Complaint, <u>2</u> Summons Issued, Summons Issued as to USA by Randy Chapel (bw, COURT STAFF) (Filed on 9/20/2011) (bw, COURT STAFF). (Entered: 09/20/2011)

10/07/2011	<u>5</u>	CONSENT to Proceed Before a US Magistrate Judge by United States Department of Education. (Scharf, James) (Filed on 10/7/2011) Modified on 10/7/2011 (bw, COURT STAFF). (Entered: 10/07/2011)
10/07/2011	<u>6</u>	DISPOSITIVE MOTION filed by United States Department of Education. Motion Hearing set for 11/15/2011 10:00 AM before Magistrate Judge Paul Singh Grewal. Responses due by 10/24/2011. Replies due by 11/3/2011. (Scharf, James) (Filed on 10/7/2011) Modified on 10/7/2011 (bw, COURT STAFF). (Entered: 10/07/2011)
10/07/2011	<u>7</u>	Declaration of Jill Siegelbaum in Support of DISPOSITIVE MOTION re <u>6</u> filed by United States Department of Education. (Scharf, James) (Filed on 10/7/2011) Modified on 10/7/2011 (bw, COURT STAFF). (Entered: 10/07/2011)
10/07/2011	<u>8</u>	CERTIFICATE OF SERVICE re <u>6</u> MOTION to Dismiss DEFENDANTS DISPOSITIVE MOTION , <u>5</u> Consent to Proceed Before a US Magistrate Judge, <u>7</u> Declaration in Support by United States Department of Education (Scharf, James) (Filed on 10/7/2011) Modified on 10/11/2011 (bw, COURT STAFF). (Entered: 10/07/2011)
10/13/2011	<u>9</u>	CONSENT to Proceed Before a US Magistrate Judge by Randy Chapel.(bw, COURT STAFF) (Filed on 10/13/2011) (Entered: 10/14/2011)
10/13/2011	<u>10</u>	MOTION for Permission for Electronic Case Filing filed by Randy Chapel. Responses due by 10/27/2011. Replies due by 11/3/2011. (bw, COURT STAFF) (Filed on 10/13/2011) (Entered: 10/14/2011)
10/13/2011	<u>11</u>	(Proposed) Order Granting MOTION for Permission for Electronic Case Filing re <u>10</u> by Randy Chapel. (bw, COURT STAFF) (Filed on 10/13/2011) (Entered: 10/14/2011)
10/13/2011	<u>12</u>	Note to the Court re <u>9</u> Consent to Magistrate Judge; <u>10</u> Motion for Electronic Case Filing; <u>11</u> (Proposed) Order by Randy Chapel (bw, COURT STAFF) (Filed on 10/13/2011) (Entered: 10/14/2011)
10/14/2011	<u>13</u>	Declaration of Jill Siegelbaum in Support of MOTION to Dismiss DEFENDANTS DISPOSITIVE MOTION re <u>6</u> filed by United States Department of Education. (Scharf, James) (Filed on 10/14/2011) Modified on 10/16/2011 (bw, COURT STAFF). (Entered: 10/14/2011)
10/14/2011	<u>14</u>	CERTIFICATE OF SERVICE re <u>13</u> Declaration in Support by United States Department of Education (Scharf, James) (Filed on 10/14/2011) Modified on 10/16/2011 (bw, COURT STAFF). (Entered: 10/14/2011)
10/14/2011	<u>15</u>	ORDER Granting MOTION for Plaintiff to Electronic File documents in subject case by Judge Paul S. Grewal re <u>10</u> (bw, COURT STAFF) (Filed on 10/14/2011) Clerk mailed Pacer Registration forms to Plaintiff at: PO Box 1050, Boulder Creek, CA 95006 (Entered: 10/16/2011)
10/20/2011	<u>16</u>	Proposed Order <i>STIPULATION AND [PROPOSED] ORDER RE DEFENDANTS MOTION TO DISMISS AND THE CMC</i> by United States Department of Education. (Scharf, James) (Filed on 10/20/2011) (Entered: 10/20/2011)
10/20/2011	<u>17</u>	CERTIFICATE OF SERVICE by United States Department of Education re <u>16</u> Proposed Order (Scharf, James) (Filed on 10/20/2011) (Entered: 10/20/2011)
10/21/2011	<u>18</u>	STIPULATION AND ORDER RE DEFENDANT'S MOTION TO DISMISS AND CMC re <u>16</u> Proposed Order filed by United States Department of Education. Signed by Judge Paul S. Grewal on October 21, 2011. (psglc1, COURT STAFF) (Filed on 10/21/2011) (Additional attachment(s) added on 10/21/2011: # <u>1</u> CERTIFICATE OF SERVICE) (ofr, COURT STAFF). (Entered: 10/21/2011)
10/21/2011		Set Deadlines/Hearings: 11/15/11 Case Management Conference reset to 12/6/2011 at 10:00 AM in Courtroom 5, 4th Floor, San Jose. Case Management Statement due by 11/29/2011. 11/15/11 Motion to Dismiss, Docket <u>6</u> , set for 12/6/2011 at 10:00 AM in Courtroom 5, 4th Floor, San Jose before Magistrate Judge Paul Singh Grewal. (ofr, COURT STAFF) (Filed on 10/21/2011) (Entered: 10/21/2011)
11/14/2011	<u>19</u>	AFFIDAVIT of Randy Chapel in Support to Deny Defendants Motion to Dismiss by Randy Chapel. (OVERSIZED DOCUMENT) (bw, COURT STAFF) (Filed on

		11/14/2011) (bw, COURT STAFF). (Additional attachment(s) added on 11/17/2011: # <u>1</u> Exhibits A – E) (bw, COURT STAFF). (Additional attachment(s) added on 11/17/2011: # <u>2</u> Exhibits F – H) (bw, COURT STAFF). (Additional attachment(s) added on 11/17/2011: # <u>3</u> Exhibits I–L) (bw, COURT STAFF). (Entered: 11/14/2011)
11/14/2011	<u>20</u>	AFFIDAVIT of Carol Nye–Wilson in Support of Randy Chapel's Response to Deny Defendants Motion to Dismiss by Randy Chapel. (OVERSIZED DOCUMENT) (bw, COURT STAFF) (Filed on 11/14/2011) (Additional attachment(s) added on 11/15/2011: # <u>1</u> Exhibit A) (bw, COURT STAFF). (Additional attachment(s) added on 11/17/2011: # <u>2</u> Exhibits B – D) (bw, COURT STAFF). (Entered: 11/14/2011)
11/14/2011	<u>21</u>	Response to Defendant's Motion to Dismiss or in the Alternative for Summary Judgment re <u>16</u> ; Plaintiff's Supporting Memorandum; Affidavit of Randy Chapel Affidavit of Carol Yye–Wilson; Certificate of Service by Randy Chapel. (bw, COURT STAFF) (Filed on 11/14/2011) (Entered: 11/15/2011)
11/14/2011	<u>22</u>	Proof of Service re <u>21</u> Response, <u>19</u> Affidavit of Randy Chapel, <u>20</u> Affidavit Carol Nye–Wilson by Randy Chapel (bw, COURT STAFF) (Filed on 11/14/2011) (Entered: 11/15/2011)
11/15/2011	<u>23</u>	CLERKS NOTICE: On November 14, 2011, Plaintiff filed Affidavit of Randy Chapel and Affidavit of Carol Nye–Wilson manually, on paper. Plaintiff has been Granted Motion for Permission for Electronic Case Filing re Order <u>15</u> . The above mentioned paper document has been filed and docketed. However, General Order 45 provides at Section III that cases assigned to judges who participate in the e–filing program shall be presumptively designated as e–filing cases. Therefore, Plaintiff should submit the documents, in PDF format within 10 days, as an attachment in an e–mail message directed to the judges chamber's "PDF" email box listed at http://ecf.cand.uscourts.gov . (bw, COURT STAFF) (Filed on 11/15/2011) (Entered: 11/15/2011)
11/21/2011	<u>24</u>	Reply Brief in Support of its Dispositive Motion re <u>6</u> filed by United States Department of Education. (Scharf, James) (Filed on 11/21/2011) Modified on 11/22/2011 (bw, COURT STAFF). (Entered: 11/21/2011)
11/21/2011	<u>25</u>	Declaration of JILL SIEGELBAUM re <u>24</u> filed by United States Department of Education. (Scharf, James) (Filed on 11/21/2011) Modified on 11/22/2011 (bw, COURT STAFF). (Entered: 11/21/2011)
11/28/2011	<u>26</u>	DEFENDANTS CASE MANAGEMENT STATEMENT filed by United States Department of Education. (Scharf, James) (Filed on 11/28/2011) Modified on 11/28/2011 (bw, COURT STAFF). (Entered: 11/28/2011)
11/29/2011	<u>27</u>	CASE MANAGEMENT STATEMENT filed by Randy Chapel. (Chapel, Randy) (Filed on 11/29/2011) Modified on 11/30/2011 (bw, COURT STAFF). (Entered: 11/29/2011)
12/06/2011	<u>28</u>	Minute Entry: Motion Hearing held on 12/6/2011 before Magistrate Judge Paul S. Grewal (Date Filed: 12/6/2011) re <u>6</u> MOTION to Dismiss <i>DEFENDANTS DISPOSITIVE MOTION</i> filed by United States Department of Education, Initial Case Management Conference held on 12/6/2011 before Magistrate Judge Paul S. Grewal (Date Filed: 12/6/2011). The Court takes matter under submission; written order after hearing to be issued. Case management conference held; case management scheduling order to be issued. (Court Reporter: Summer Fisher.) (ofr, COURT STAFF) (Date Filed: 12/6/2011) (Entered: 12/07/2011)
12/16/2011	<u>29</u>	ADMINISTRATION MOTIONS TO CONSIDER WHETHER CASES SHOULD BE RELATED 11–5678HRL) ; and TO EXTEND TIME TO RESPOND TO COMPLAINT re <u>1</u> ; SUPPORTING DECLARATION; [PROPOSED] ORDER by United States Department of Education. (Scharf, James) (Filed on 12/16/2011) Text modified on 12/19/2011; Multiple Motions (bw, COURT STAFF). (Entered: 12/16/2011)
12/19/2011	<u>30</u>	Reply to Administrative Motions to Consider Whether Cases Should be Released and to Extend Time to Respond to Complaint; Supporting Declaration re <u>29</u> by

		Randy Chapel. (Chapel, Randy) (Filed on 12/19/2011) Text modified on 12/20/2011 conforming to posted document caption; incorrect event type used when posting document (bw, COURT STAFF). (Entered: 12/19/2011)
01/02/2012	<u>31</u>	ORDER RELATING CASE. CV11-05678 Related to CV11-04344. Signed by Judge Paul S. Grewal on 1/2/2012. (ofr, COURT STAFF) (Filed on 1/2/2012) (Entered: 01/05/2012)
01/11/2012	<u>32</u>	Transcript of Proceedings held on 12/06/2011, before Judge Paul S. Grewal. Court Reporter/Transcriber Summer Fisher, Telephone number 408-288-6150. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 4/10/2012. (Fisher, Summer) (Filed on 1/11/2012) (Entered: 01/11/2012)
05/07/2012	<u>33</u>	ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED AND REQUEST FOR OTHER ADMINISTRATIVE RELIEF (11-1919PSG, 11-5678PSG) ; SUPPORTING DECLARATION; [PROPOSED] ORDER by United States Department of Education. (Scharf, James) (Filed on 5/7/2012) Modified on 5/8/2012; incorrect event type used when posting document (bw, COURT STAFF). (Entered: 05/07/2012)
05/11/2012	<u>34</u>	AMENDED ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED (11-1919PSG, 11-5678PSG; 11-4344PSG) ; [PROPOSED] ORDER by United States Department of Education. (Scharf, James) (Filed on 5/11/2012) Text modified on 5/11/2012 (bw, COURT STAFF). (Entered: 05/11/2012)
05/14/2012	35	CLERK'S NOTICE SETTING CASE MANAGEMENT CONFERENCE: Case Management Conference set for 7/17/2012 at 02:00 PM in Courtroom 5, 4th Floor, San Jose before Magistrate Judge Paul S. Grewal. Case Management Statement due by 7/10/2012. *** This is a text only docket entry, there is no document associated with this notice. *** (ofr, COURT STAFF) (Filed on 5/14/2012) (Entered: 05/14/2012)
05/16/2012	<u>36</u>	RESPONSE to ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED re <u>33</u> and (Proposed) Order filed by Randy Chapel. (bw, COURT STAFF) (Filed on 5/16/2012) (Entered: 05/16/2012)
05/16/2012	<u>37</u>	(Proposed) Order for Dismissal without Prejudice by Randy Chapel. (bw, COURT STAFF) (Filed on 5/16/2012) (Entered: 05/16/2012)